

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2927 of 2016

- Anil Bachani S/o. Mutharamal Bachani, Aged About 45 Years, R/o R/7, Rama Valley, Raipur Road, Bilaspur (Chhattisgarh)

---- Petitioner

Versus

- The Commissioner Municipal Corporation, Bilaspur Nehru Chowk, Bilaspur (Chhattisgarh)

---- Respondent

For Petitioner	:	Shri Ashish Surana, Advocate
For Respondent	:	Ms. Pushpa Dwivedi, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/05/2017

1. Heard on admission.
2. By this petition, the petitioner has assailed the legality and validity of the action of the respondent, whereby the respondent has proceeded to issue fresh advertisement inviting application for allotment of commercial plots on 04/11/2016.
3. Submission of learned counsel for the petitioner is that in response to advertisement earlier issued on 18/12/2015, the petitioner had submitted his application for allotment of commercial plot and necessary entries were made including registration of license also. The petitioner's application was duly considered and when the petitioner was found eligible for allotment in all respect, the Assets Officer of the Corporation issued a notice on 08/03/2016 for depositing 10% of the total amount which was required to be paid by way of premium. However, thereafter nothing was heard and then petitioner came to know that the allotment of shop to the petitioner was cancelled by the respondent and fresh advertisement has been issued, which is now impugned in the petition.

4. Learned counsel for the petitioner had submitted all the credential as required in the advertisement and 10% amount was deposited and that failure of submission of registration documents related only to highest bidder, whereas the petitioner is second highest bidder.
5. Learned counsel for the respondent-Corporation submits that after the applications were received for allotment of 119 commercial plots, Scrutiny Committee comprising of four senior officers of the Corporation had undertaken scrutiny of various applications and the committee then resolved that number of applications are liable to be rejected, because those cases have not been submitted along with required registration documents, including the petitioner also. As per the decision taken by the committee, number of plots remained vacant even after proposal to make the allotment to eligible applicants, fresh advertisement was issued. It is emphatically submitted that the record did not contain registration certificate and credential, and this was so recorded in the minutes of meeting also.
6. The minutes of meeting prepared by the respondent is annexed along with return as Annexure R/1. This minutes of meeting also indicate consideration of case of the petitioner at serial number 20. In respect of plots No. 205, three applications were received including that of the applicant. In the remark column, it has been categorically recorded that none of the applicants submitted registration form. It is also found that the petitioner was asked to deposit 10% of amount. This letter was issued to the petitioner on 08/03/2016 which is subsequent to date of scrutiny.
7. The matter requires factual enquiry by the competent authority from the inspection of original record whether the actual certificate of the petitioner was submitted or not and on what basis the details of petitioner's registration certificate number, validity were recorded. Therefore, in these circumstance it would be proper to direct factual enquiry be made by the designated officer as directed by the Commissioner of Municipal Corporation. He shall investigate the complete record and thereafter submit report before the Commissioner whether the certificate was submitted or not. In case, it is found that actual certificate is submitted by the petitioner for allotment it will be open for the Corporation to proceed with the allotment of Plot No. 205.

8. In case it is found that the petitioner's application was rightly rejected, the entire amount deposited by the petitioner shall be returned forthwith.

9. Accordingly, the petition is disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Kamde